

JUDGE MAGALONE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

19 MISC 00003

IN RE:

LOCAL CIVIL RULE 55.1. CERTIFICATE OF DEFAULT;
LOCAL CIVIL RULE 67.1. ORDER FOR DEPOSIT OF
INTEREST-BEARING ACCOUNT;
LOCAL CIVIL RULE 77.1. SUBMISSION OF ORDERS,
JUDGEMENTS AND DECREES

STANDING ORDER

M10-468

FILED
U.S. DISTRICT COURT
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On May 23, 2018 the Board of Judges of the Southern District of New York approved amendments to Local Civil Rule 55.1. Certificate of Default; Local Civil Rule 67.1. Order for Deposit of Interest-Bearing Account; and Local Civil Rule 77.1. Submission of Orders, Judgements and Decrees. These Amendments took effect on October 29, 2018. The amendments are as follows:

Local Civil Rule 55.1. Certificate of Default

A party applying for **entry of default under**

Fed.R. Civ. P.55 (a) shall **file**:

(a) **a request for a Clerk's Certificate of Default; and**

(b) an affidavit **demonstrating that**:

- (1) the party against whom a notation of default is sought is not an infant, in the military, or an incompetent person;
- (2) the party has failed to plead or otherwise defend the action; and
- (3) the pleading to which no response has been made was properly served.

A proposed Clerk's Certificate of Default form must be attached to the affidavit.

Local Civil Rule 67.1. Order for Deposit in Interest-Bearing Account

(a) Whenever a party seeks a court order for money to be deposited by the Clerk in an interest-bearing account, the party shall file the proposed order. The Clerk shall inspect the proposed order for proper form and content and compliance with this rule prior to submission to the Judge for signature.

(b) Proposed orders directing the Clerk to invest such funds in an interest-bearing account or other instrument shall include the following:

(1) The exact United States dollar amount of the principal sum to be invested; and

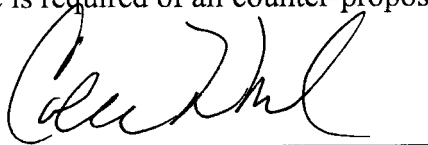
(2) Wording which directs the Clerk to deduct from the income on the investment a fee consistent with that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office.

(c) Unless otherwise ordered by the court, interpleader funds shall be deposited in the Disputed Ownership Fund in an interest bearing account. Income generated from fund investments in each case will be distributed after the appropriate fee has been applied and tax withholdings have been deducted from the fund.

Local Civil Rule 77.1. Submission of Orders, Judgements and Decrees

Proposed orders, judgments and decrees shall be presented as directed by the ECF rules published on the website of each respective Court. Unless the form of order, judgment or decree is consented to in writing, or unless the Court otherwise directs, four (4) days' notice of settlement is required. One (1) day's notice is required of all counter-proposals.

SO ORDERED,



Colleen McMahon
Chief Judge

Dated: New York, New York
January 2, 2019